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A Handbook For Federal Women's Program Coordinators

U.S. Department of Agriculture
Office of Personnel
Federal Women's Program

July 1977

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FOREWORD

Recognizing the need for more definitive guidelines on the roles, responsibilities, and tasks of the Federal Women's Program (FWP) Coordinators in the U.S. Department of Agriculture, and for specific ideas and references to help them be more effective, the Department and Agency FWP Coordinators developed this Handbook.

The intent has been to delineate the roles broadly enough to encompass all Agencies and Offices, and yet specifically enough that a newly appointed FWP Coordinator can very quickly understand the bounds and latitudes of the position, roles and responsibilities, and the tasks of the position, whether it be at the Department, Agency Headquarters, or Field level. An additional aim was to make it a comprehensive reference source.

Included for informational purposes is a memorandum for Heads of Departments and Agencies, issued March 6, 1975, by then President Gerald R. Ford. (Exhibit I)

INTRODUCTION: EVOLVEMENT OF THE FEDERAL WOMEN'S PROGRAM

The Federal Women's Program, now an integral part of the Equal Employment Opportunity Program, wasn't really born until after President Lyndon B. Johnson signed Executive Order No. 11375 in 1967, which added "sex" for the first time as a prohibited form of discrimination.

The passage of Public Law 92-261, known as the Equal Employment Opportunity Act of 1972, which was signed by President Richard M. Nixon on March 24, 1972, provided a legal base for the enforcement and the promotion of the Federal Women's Program. At that time, Irving Kator, then Assistant Executive Director, Civil Service Commission, wrote an article in which he likened the EEO Act of 1972 to Third Generation EEO.

The First and Second Generations established the climate that made it possible for the FWP to emerge. The First Generation began in 1940 with President F. D. Roosevelt's Executive Order No. 8587, which established the principle that public employment could not be denied for reasons of race, creed or color. But the policy emphasis was passive ---- nondiscrimination.

During the transition period, President Dwight D. Eisenhower issued Executive Order No. 10950 in 1955, which proclaimed "It is the policy of the U.S. Government that equal opportunity be afforded all qualified persons, consistent with law, for employment in the Federal Government."

The "Equal Opportunity" concept had surfaced; the "Affirmative Action" concept was on the horizon.

The Second Generation of "Affirmative Action" was introduced with President John F. Kennedy's 1961 Executive Order No. 10925, which "directed" positive measures for the "elimination of any discrimination, direct or indirect, which now exists."

President Lyndon B. Johnson issued Executive Order No. 11246 in 1965. This Order put the responsibility for Government-wide leadership and guidance under the Civil Service Commission and placed EEO in the mainstream of Federal personnel administration. Johnson became the first and only President to date to issue two Executive Orders pertaining to EEO when he issued Order No. 11375 in 1967 prohibiting discrimination on the basis of "sex."

President Richard M. Nixon's Executive Order No. 11478 in August 1969 was much stronger than preceding ones and brought the Second Generation to maturity. Significant changes were that:

1. It specified that EEO must be an integral part of every aspect of personnel policy and practices in Federal Government.
2. It emphasized upward mobility to utilize employees better.
3. It spelled out the steps which constitute "affirmative action."
4. It distinguished between equal opportunity efforts for all persons and the training programs for assisting the disadvantaged.

The Third Generation EEO, the EEO Act of 1972, placed Federal employees and Agencies under the Civil Rights Act of 1964, as amended. The Civil Service Commission was given statutory authority to see that the EEO provisions were carried out and the Act gave CSC enforcement authority. It also gave Federal employees access, for the first time, to the courts in resolving discrimination complaints.

Following the issuance of President Johnson's 1967 Executive Order, the CSC issued FPM Letter No. 713-8, dated January 25, 1968, with the subject "Equal Employment Opportunity for Women -- the Federal Women's Program." Each Agency Head was directed to exercise "personal leadership in the development and implementation of a positive and continuing program to achieve equal opportunity for women in every personnel management policy and practice including recruitment, selection, placement, counseling, training, career development and promotion." The Federal Women's Program became an "inherent responsibility of every Federal executive, manager, and supervisor."

This FPM Letter also called for the "designation of an Agency coordinator or committee for the FWP to provide advice and serve as a central point of contact in assuring a comprehensive and continuing program," and outlined some specific activities which might be carried out. These included:

1. Assuring that the Agency Action Plan is comprehensive and meets the Agency objectives.
2. Periodic evaluation of the adequacy of the Agency program with recommendations for improvement.
3. Serving as Agency representative in consultation with others concerned with improving employment opportunities for women.

4. Recommending special studies and/or surveys of employment patterns.
5. Coordinating activities of various segments of the organization.

DPM Bulletin No. 713-10, dated March 20, 1968, transmitted the Department's Plan for Progress in the FWP and required the Agencies, for the first time, to submit their Plans for Progress by June 1, 1968. This bulletin has expired but subsequent issuances have required progress reports on a periodic basis. The Departmental Plan listed 28 action items. Some of the requirements were identifying problem areas and corrective actions, developing short and long range goals and objectives, reviewing staffing patterns, dispersing information and publicity on the FWP, counseling to underutilized employees, and designating representatives of the Department and Agencies to serve as coordinators for the FWP.

On February 27, 1970, FPM Letter No. 713-15 integrated the FWP with the Agency's overall EEO Program and specified the responsibilities of the Director of EEO and the FWP Coordinator or the FWP Committee, as the case may be. It also specified that major organizational units and field installations should have FWP Coordinators or committees.

The CSC Bulletin No. 713-23, dated May 19, 1972, transmitted Public Law 92-261 (EEO Act of 1972) and briefly outlined what was then required in an acceptable Affirmative Action Plan. This part pertaining to Affirmative Action Plans was superseded by FPM Letter 713-35, dated April 30, 1976.

Federal Personnel Manual (FPM) Part 713 of the CSC Regulations and FPM and DPM Chapter 713 contain the current regulations and policies by which the FWP operates.

Some specific items and actions pertaining to the FWP are:

1. Agencies are required to designate a FWP Coordinator with responsibility for advising the Director of EEO on matters affecting the employment and advancement of women. (Agency, as used here, means the Department.)
2. A Federal Women's Program Coordinator is one official designated to receive a discrimination complaint.
3. FWP Coordinators must be informed of their responsibilities.
4. The name and address of the FWP Coordinators are to be publicized.
5. Necessary training is to be provided to acquaint them with their responsibilities and prepare them to carry out their responsibilities effectively.

ROLE OF THE DEPARTMENT OF AGRICULTURE'S FEDERAL WOMEN'S PROGRAM (FWP) COORDINATOR

The Federal Women's Program is designed to assure that all women, regardless of race, color, religion, national origin, or age, receive equal treatment in all phases of employment, including: placement in jobs at levels for which they are qualified, training and advancement in accordance with abilities and Agency needs, opportunities for upward mobility, and recognition for outstanding service and achievements.

The Department of Agriculture's Federal Women's Program Coordinator plays a key role in administering the Program. The FWP Coordinator position is a full-time position, organizationally located on the EEO Staff of the Office of Personnel under the Department's Director of Equal Employment Opportunity (the Assistant Secretary for Administration). See organization chart, Exhibit II. As such, the FWP Coordinator:

1. Serves as the Department's principal liaison with women's organizations and groups and represents the Department at special meetings of these groups;
2. Offers advice on development and implementation of the Department's EEO Plan to assure that needs and concerns of women are adequately covered;
3. Acts as Chairperson of the Federal Women's Program Committee which consists of Agency and Office Federal Women's Program Coordinators. The Committee also aids the Department FWP Coordinator in carrying out various responsibilities and programs;
4. Receives formal complaints of discrimination. (The FWP Coordinator does not, however, become involved in the resolution or adjudication of complaints);
5. Recommends needed changes in the EEO Program to further the aims of the Federal Women's Program; and
6. Evaluates achievements of the Federal Women's Program and recommends new avenues or areas for increased emphasis.

ROLE OF THE AGENCY AND OFFICE FEDERAL
WOMEN'S PROGRAM (FWP) COORDINATORS

The Agency Headquarters and the Office Federal Women's Program Coordinators are appointed by the respective Agency or Office Head and will come from a variety of backgrounds. The FWP Coordinator should be able to report directly to the EEO Officer as shown on the Agency organizational chart (Exhibit III).

Many Coordinators serve part-time in addition to their occupational duties and responsibilities. When the FWP Coordinator is part-time and is not organizationally located in EEO, the FWP Coordinator will report to the program supervisor on program matters, but should report to the EEO Officer or his/her designee on EEO and FWP matters.

Field Federal Women's Program Coordinators will be designated where the organization has a Deputy EEO Officer physically located outside the Headquarters office. The Agency Headquarters FWP Coordinator will serve as liaison between the field FWP Coordinators and the Agency EEO officials. The Agency and Office FWP Coordinators at Headquarters will also be members of the Department's FWP Committee and serve as liaison between their Agency/Office and the Department in matters pertaining to the Federal Women's Program.

Many of the duties and responsibilities of the Field FWP Coordinators will be the same or very similar to those of the Agency Headquarters FWP Coordinator as they apply to the specific installation or organizational unit. The Field FWP Coordinator will serve as the liaison between the Agency Headquarters FWP Coordinators and the female employees at the specific location.

If there are two or more USDA Agencies represented in a given geographical area, these Agencies may wish to consider cooperating and coordinating their efforts in planning and conducting special events, programs, activities, and/or training. In those cities where there is a Federal Executive Board or similar organization, the field FWP Coordinator may wish to consider becoming affiliated with such an organization and work with and through it to plan and coordinate inter-Departmental activities where such are appropriate. A listing of those Federal Executive Boards currently established is provided in Exhibit IV.

The CSC has determined that when a Coordinator is part-time "the basic position description of each person selected for added EEO responsibilities should be supplemented to show these responsibilities." Therefore, the position description should: (1) show to whom the FWP Coordinator is responsible for the performance of duties in connection with the FWP; (2) spell out the supervisory relationships of the FWP Coordinator, the immediate supervisor, and the EEO Officer so that all parties concerned are aware that for the portion of time and work related to the FWP the FWP Coordinator is responsible to the designated EEO official; and (3) show the percent of time which may be spent on the FWP and FWP Coordinator duties.

The size of the Agency and/or the unit within the Agency and the program within the Agency are some of the factors affecting the amount of time to be designated. Initially, a "best guess" estimate should be made and then reviewed periodically to determine any need for adjustment. The EEO Officer must ensure that the immediate supervisor is aware of this allocation of time. A corresponding reduction in the FWP Coordinator's regular duties should be made to ensure that both responsibilities can be carried out.

In the position description for both full-time and part-time FWP Coordinators, the scope of responsibilities should be described (including geographical and organizational coverage). Any special skills or knowledges should be shown and the duties and responsibilities should be described briefly.

The FWP Coordinator may be a member of, participate in, and serve in appropriate women's organizations dedicated to the improvement of women's status. (See listing in Exhibit V.)

THE FUNCTION OF THE AGENCY FWP COORDINATOR IS TO:

1. Advise the EEO Officer on the employment concerns of women and work closely with other EEO Officials in your respective installation;
2. Offer advice on the development and implementation of the Agency EEO Plans, including advice on publicity to be given the Federal Women's Program;
3. Serve as a member of the Agency EEO Committee;
4. Represent the Agency in the Department's Federal Women's Program Committee;
5. Serve as consultant on the development of new or revised personnel programs affecting women employees or applicants;
6. Communicate with field FWP Coordinators, in those Agencies which have such, on the effectiveness of the Agency EEO Program in the field;
7. Keep management informed on the status of women in the Agency through various means such as periodic reports or meetings to review statistics;
8. Be informed concerning the Agency's Merit Promotion Plan and current promotion patterns to assure the plan is being applied without sex discrimination;
9. Maintain contact with Agency's Administrator or top official on all matters relating to women -- current and emerging problems, adequacy and availability of training and opening opportunities for advancement;
10. Maintain contact with Agency training officers to advise them of new training programs of interest and concern to women employees and to keep informed of training announcements being circulated by the Agency which may be of interest to women employees;
11. Assure that information reaches women and their supervisors about training or programs of special interest or value to the women employees; and
12. Assure that women have an equal opportunity for the career development type training that is afforded to male employees.

AREA OF RESPONSIBILITY AND RESOURCES

It becomes apparent that the FWP Coordinators have a responsibility that spans a vast area of activity. Therefore, it is essential that each FWP Coordinator be provided with the specialized FWP training given by the Civil Service Commission. The Coordinator must not only be aware of present Agency activities, but any future plans concerning hires, training, new programs, and upward mobility opportunities. The Coordinator must be aware of and advise on various areas of concern and work within the Agency system on the following:

Entry Employment: The Coordinator must keep well informed through vacancy announcements, various advertisements, and Agency programs of special recruitment efforts and selection procedures which afford women increased opportunities to gain entry into all occupations of the Department and into career ladders beyond the clerical level. If possible, the Coordinator should become involved in inductions and orientations.

Qualifications Standards and Selection Factors: The Coordinator must become familiar with the tools used in personnel such as the Qualification Standards (X-118) and Civil Service Commission Classification Standards. Through these tools, the Coordinator will be able to identify knowledge and skills requirements for successful performance at each step of the occupational ladder.

Utilization Placement: A Coordinator must understand Agency placement practices. A Coordinator should discuss and suggest improvements as necessary with Personnel Officers and Specialists. This may include opportunities to cross into other career fields and analysis of Agency occupations to identify patterns of placement and rate of movement.

Merit Promotion. It is an absolute must for the Coordinator to become thoroughly familiar with the provisions of the Agency Merit Promotion Plan and be kept informed of vacancies in the Agency.

Upward Mobility: It is the responsibility of the Coordinator to be familiar with the upward mobility plans and programs of the Agency and the Department, and, whenever possible, to provide input.

Job Development: The FWP Coordinator should be familiar with available Agency position series and grades, career ladders, and "bridge" positions to cross over from clerical into professional or technical career ladders, and with current Agency practices for establishing career ladders, "bridge" positions, and redesigning and restructuring positions to facilitate upward mobility of Agency employees.

Career Counseling and Development: The FWP Coordinator should know and maintain working relationships with Agency career counselors and utilize their special capabilities in analyzing concerns of women. The FWP Coordinator should review and recommend Agency training and programs for supervisors in the area of EEO, including career development.

Education and Training: The FWP Coordinator should work with Agency training staffs in establishing and reviewing training programs especially for bridge-type and middle-management training positions. The Coordinator should be available to serve on selection panels for Upward Mobility as requested.

Equal Employment Opportunity: The FWP Coordinator should work with the Agency EEO Coordinator or Deputy EEO Officer on a regular basis in advising on employment concerns of women; developing and implementing the respective EEO Plan, including publicity to be given to the Federal Women's Program; determining that new or revised personnel programs do not discriminate against women employees or applicants; and communicating with other Federal Women's Program Coordinators and/or committees on the effectiveness of the Agency EEO Program.

With the responsibilities listed above, it becomes apparent that the Coordinator must become well versed in the processes and proceedings of the particular Agency. Before a Coordinator can advise or encourage women in various areas, the facts and particular procedures must be known. The personnel office is the center of all personnel processes and as such should be treated as a reference source. The Agency should assure that the proper FWP Coordinator training given by the CSC is obtained in order for the FWP Coordinator to fulfill the responsibilities of the position.

IN SUMMARY, the FWP Coordinator should make sure the Agency's officials are aware of the goals and operations of the Federal Women's Program. The Coordinator should keep management informed on the status of women in the Agency through periodic reports or meetings to review statistics prepared by personnel specialists. Each Agency's Administrator or top official should be available to the FWP Coordinator for discussion and consultation on all matters relating to women -- current and emerging problems, adequacy and availability of training, opening of opportunities for advancement, etc. The FWP Coordinator should review the Agency's training program to assure that supervisors and managers receive training which includes reference to EEO for women.

The FWP Coordinator shall be given an opportunity to have input into the Agency's Affirmative Action Plan while it is still in the draft or revision stage in order to make recommendations on parts of the Plan that deal with women. The FWP Coordinator shall have input into and obtain copies of all semiannual progress reports for the Agency. The FWP Coordinator shall evaluate the operation of the Agency's EEO Plan and discuss progress with management periodically.

The FWP Coordinator may serve as a member or observer of any Agency committee which might be established to review or revise the Agency's merit promotion plan, and should review the operation of the merit promotion system and current promotion patterns to assure that regulations are being applied without discrimination.

DISCRIMINATION COMPLAINTS ON THE BASIS OF RACE, COLOR,
RELIGION, SEX, OR NATIONAL ORIGIN (FPM AND DPM CHAPTER 713)

Any employee or applicant who feels that he or she has been discriminated against on the basis of race, color, religion, sex, or national origin may file a complaint. There are specific steps and time requirements that must be met as follows:

1. The complainant must contact an EEO Counselor within 30 days of the alleged discriminatory action. This may be an EEO Counselor with the Agency or any USDA EEO Counselor.
2. The EEO Counselor attempts to resolve the complaint informally within 21 days. If no resolution is reached, the EEO Counselor gives the complainant a written notice of the right to file a formal EEO complaint and the procedures and time restraints under which this must be done. The complainant has the right to be represented at any stage in the presentation of a complaint, including the counseling stage. EEO complaints brought to an EEO Counselor are kept confidential.
3. The complainant files a formal EEO complaint in writing, describing the discriminatory action, within 15 days of receipt of the EEO Counselor's notice. Officials designated to receive a complaint include the EEO Officer who is the Head of the Agency, the Director of EEO, the Head of a field establishment, the USDA Federal Women's Program Coordinator, and any other officials so designated by the Agency. The FWP Coordinator promptly forwards the complaint to the Department Officials responsible for processing it.
4. The Director of EEO (the Assistant Secretary for Administration) accepts the complaint for investigation or rejects the complaint if steps 1, 2, or 3 were not followed properly. Rejected complaints skip to steps 9 and 10. The complaint must be specific and must be limited to the matters discussed with the EEO Counselor.
5. The Office of Investigation investigates, and the complainant gets a copy of its report.
6. The complainant and Agency officials meet to attempt to resolve the complaint informally. If resolved, the complaint is closed.
7. If the complaint is not resolved, the Agency issues a written proposed disposition of the complaint and informs the complainant of appeal rights. If the complainant accepts the proposed disposition, the case is closed.

8. Within 15 days of receipt of the proposed disposition, the complainant may: (a) request a hearing conducted by an EEO Complaints Examiner followed by a final decision by the Director of EEO; (b) request a final decision on the record by the Director of EEO; or (c) do nothing, in which case the Agency Head will adopt the proposed disposition as the final decision of USDA.
9. After receiving a final decision from USDA, the complainant may: (a) file suit in U.S. District Court within 30 days; or (b) appeal to the Civil Service Commission's Appeals Review Board within 15 days.
10. If the complainant appeals to the CSC Appeals Review Board and is dissatisfied with the decision, he or she may still file a civil action in a U.S. District Court within 30 days.
11. Complainant may also file suit in U.S. District Court 180 days after filing an appeal with CSC if no decision on the complaint has been made.

No reprisals may be taken against a complainant or representative.

DISCRIMINATION COMPLAINTS ON THE BASIS OF AGE

On April 9, 1974, President Richard M. Nixon signed Public Law 93-259, which requires that all personnel actions be free from any discrimination based on age.

Employees who are at least 40 and less than 70 years of age, and applicants who are at least 40 and less than 65 years of age may file complaints of age discrimination. The same time limits apply as to discrimination complaints for other reasons. The effective date of the Public Law was May 1, 1974. The change in the upper age limits from 65 to 70 for employees was effective March 4, 1977.

A complainant who is alleging age discrimination may elect one of two procedures: (1) the administrative process, or (2) civil action. Under the administrative process, the same basic regulations and procedures apply as apply in discrimination complaints based on race, color, religion, sex, or national origin, up to and including the appeal to the Appeals Review Board at the CSC. Under that procedure, however, no further recourse is provided for.

If the individual has not filed a discrimination complaint and chooses to file a civil action in court, such action may not commence until he or she has given the CSC at least 30 days notice of intent to file such action. The notice of intent must be filed within 180 days after the alleged unlawful practice occurred. Complainants must be advised of their right to file a civil action.

If an individual elects to file a civil action under Section 15(d) of the Age Discrimination in Employment Act (ADEA), the notice of intent to file civil action should be addressed to:

Office of the Assistant Executive Director
Attention: ADEA Program Coordinator
U.S. Civil Service Commission
Washington, D.C. 20415

The notice should be dated and contain the following:

1. Statement of the intent to file a civil action under Section 15(d) of the Age Discrimination in Employment Act of 1976, as amended;
2. Name and address of the complainant;
3. Name and address of designated representative, if any;
4. Name and location of Federal Agency or installation where the alleged discriminatory action occurred;

5. Date the alleged discriminatory action occurred;
6. Statement of the nature of the alleged discriminatory action; and
7. Signature of the individual.

Whichever course the complainant selects, he or she has the right to a representative at any stage of the process.

CLASS COMPLAINTS OF DISCRIMINATION

Effective April 18, 1977, any group of employees or applicants may file a class complaint of discrimination if they allege that they have been, are being, or may be adversely affected by an Agency personnel management policy or practice which the Agency has authority to rescind or modify, and which discriminates against the group on the basis of their common race, color, religion, sex, national origin, and/or age. There are specific steps and time requirements that must be met as follows:

1. Employee or applicant who wishes to be the agent of a class contacts EEO Counselor within 90 days of the alleged discriminatory action affecting him or her.
2. Counselor has 30 days to attempt informal resolution, terminate counseling, and provide written report to EEO Officer and aggrieved person.
3. If informal resolution is not effected, employee or applicant has 15 days following his/her final interview with the EEO Counselor to file a complaint of discrimination. The complaint must be filed with the head of the Agency, a designee of the head of the Agency, or the Director of EEO.
4. Within 10 days of receipt of the complaint, the Agency requests from the Civil Service Commission the assignment of a Complaints Examiner.
5. The Complaints Examiner reviews the file against the criteria set forth in the Regulations, and recommends to the Agency that the complaint be accepted for processing or rejected.
6. The Agency has 10 days to adopt or reject the Complaints Examiner's recommendation. Otherwise, after 10 days the recommendation becomes automatically the Agency's decision.
7. If the Agency rejects the class complaint, the complainant may -- within 15 days -- appeal to the Appeals Review Board or -- within 30 days -- file a civil action in a U.S. District Court.
8. If the Agency accepts the class complaint for processing, it shall within 15 days use reasonable means to notify all class members of the existence of the complaint. Class members have 30 days from issuance of the notice to opt out of the class complaint by so advising the Agency (in writing).
9. Upon acceptance of the complaint, the Agency head shall appoint a person to represent the Agency in the complaint process, and shall advise the Complaints Examiner of the appointment.

10. The Complaints Examiner notifies the Agent of the class and the Agency representative that they have 60 days to develop evidence and prepare their cases for hearing.
11. Following the period for preparation, the Complaints Examiner schedules and conducts a hearing. At the conclusion of the hearing, the Complaints Examiner transmits to the Agency head the record of the hearing, his/her analysis, findings, and recommended decision on the complaint. The recommended decision shall include, where appropriate, recommendations for systemic relief for the class and/or individual corrective action for the agent of the class.
12. The Agency head has 30 days to accept, reject or modify the findings and recommendations of the Complaints Examiner. If the Agency fails to act within 30 days, the Complaints Examiner's finding and recommendations shall become the final Agency decision.
13. At the expiration of the 30-day period, the Agency shall -- within 5 days -- transmit its final decision and the record of the hearing to the agent of the class; and shall -- within 10 additional days -- use reasonable means to notify all class members of that decision.
14. The Agency's notification to the agent will include information regarding the agent's right of appeal and right to file a civil action. The Agency's notification to class members shall include, if appropriate, instructions on how to apply for individual corrective action.
15. Upon a finding by the Agency of class discrimination, a class member may -- within 30 days of notification of the Agency decision -- file a written claim for individual corrective action. The claim must be filed with the head of the Agency or the Director of EEO, must show that the individual is a class member, and must specify how the individual was personally and adversely affected by the discriminatory policy or practice within no more than 135 days preceding the filing of the class complaint.
16. The Agency has 60 days to attempt to reach a resolution with the claimant. If resolution is not reached, the claim will be referred to the Complaints Examiner who will allow the parties to submit evidence and request a hearing.
17. The Complaints Examiner will submit to the Agency a report of findings and recommendations on the claim, which the Agency will treat in the same manner as the findings and recommendations on the complaint (see 11, 12, 13, and 14 above).
18. A claimant has the same rights to appeal an Agency decision on his/her claim and to file a civil action as do complainants; namely, an appeal may be filed with the Appeals Review Board

within 15 days after receipt of the Agency decision, or a civil action may be filed in U.S. District Court within 30 days after receipt of the Agency decision.

NOTES

- A. Representation. Complainants, agents, and claimants have the right to be represented by a person of their choice at any and all stages of complaint processing, including counseling.
- B. Reprisal. Reprisal against any person participating in the discrimination complaint process is prohibited. Allegations of reprisal shall be treated as individual complaints of discrimination.
- C. Resolution. At any time after acceptance of a complaint, the complaint may be resolved by agreement of the Agency and the agent. The resolution is binding on all members of the class.
- D. Reopening and Reconsideration. The Civil Service Commissioners on their own motion or at the request of either party may reopen and reconsider any previous decision of any Commission office.
- E. Right to File a Civil Action. A complainant, an agent, or a claimant may as noted above file a civil action in the appropriate U.S. District Court within 30 days of receipt of the Agency's final action on the complaint or claim. In addition, a civil action may be filed:
 - 1) if the Agency has not issued a final decision within 180 days after the complaint or claim was filed;
 - 2) within 30 days after receipt of a decision from the Appeals Review Board;
 - 3) if the Appeals Review Board has not issued a final decision within 180 days after the appeal was filed.

GRIEVANCES TO THE AGENCY
(FPM AND DPM CHAPTER 771, SUBCHAPTER 3)

Matters which may be grieved by an employee include any matter of concern or dissatisfaction to an employee which is subject to the control of Department management for which there is no other right of appeal such as:

1. Working conditions.
2. Improper application of rules and regulations.
3. Unfair treatment, including coercion, restraint, or reprisal.
4. Failure of an Agency to follow its promotion plan and procedure, including complaints of unfair supervisory appraisals.
5. Disciplinary suspensions of 30 calendar days or less.
6. Nonselection for training opportunities.

An employee who has a grievance shall present this grievance informally to the immediate supervisor, or to the official at the lowest level of administration in the Agency having authority to take corrective action. If the employee has a valid reason for not taking a grievance to the immediate supervisor, he or she may communicate with a higher level official. If the supervisor or other official is unable to resolve the grievance, a memorandum is prepared by that person stating what the grievance is, what effort was made to resolve it, and providing notice to the employee of the termination of informal procedures and of the right to file a formal grievance, with whom it should be filed, and the applicable time limit.

Under the informal procedure, the employee should present a grievance concerning a particular act or occurrence within 15 calendar days of the date of that act or occurrence or the date he or she became aware of that act or occurrence. Action taken by the supervisor or other officials shall be taken within 20 calendar days of the presentation of the informal grievance.

Informal procedure must be completed before a formal grievance on the same matter will be accepted. If, however, the grievance involves an appeal from a suspension for 30 calendar days or less and the appellant has had an opportunity to present an oral answer, the informal procedure may be dispensed with and the appellant may proceed immediately with a formal grievance.

All formal grievances shall be filed with or referred to the respective Agency Head, who shall be the deciding official. It must be filed within 7 calendar days after completion of action under the informal procedure.

If it cannot be resolved in a manner acceptable to the employee, the entire file, including the memorandum of action taken during the informal stage, goes to the Chief, Employee Appeals Division, Office of Personnel, for assignment to a Grievance Examiner. Adjustment or referral of the grievance under the formal procedure shall be done within 7 calendar days.

The employee may request a hearing with the Grievance Examiner. If such a hearing is requested, the Grievance Examiner shall determine whether or not there shall be a hearing. If no hearing is granted, the employee is so notified and allowed 10 calendar days to submit any additional material he or she wishes considered.

The Grievance Examiner shall complete the inquiry and transmit the recommended decision to the Deciding Official within 35 calendar days. The Deciding Official shall act on the Examiner's recommendation within 7 calendar days.

If the Agency Head determines that the Examiner's recommendations are unacceptable, the Agency Head shall transmit the grievance file with a specific statement of the basis for the determination to the Director of Personnel for decision. The employee and his or her representative shall also be furnished a copy of the statement. Decisions on grievances sent to the Director of Personnel or official in a higher level of authority shall be made within 9 calendar days.

The Department shall give full, impartial and prompt consideration on a decision so that it shall be issued within 90 calendar days after the initiation of the informal procedure.

EMPLOYEE APPEALS FROM ADVERSE ACTION
(FED FACTS 11 AND FPM AND DPM CHAPTER 772)

In 1974 the Civil Service Commission established a new employee appeals system administered by the Federal Employee Appeals Authority (FEAA), an independent organization within the CSC, developed after an extensive study of the old procedures. It provides a one-level appeals system aimed at providing a fast, fair resolution of adverse action cases, and was developed because of criticism that the old procedure was too slow and too complicated.

Eligible appellants are Federal employees who have completed the one-year probationary or trial period in the competitive Federal service or Federal employees who are entitled to veterans preference and have completed one year of current continuous employment in a position outside the competitive service.

Examples of adverse actions which are appealable are: (1) removal from the job, (2) suspension for more than 30 days, or (3) reduction in rank or pay. Before the action can be taken, the employee must be given at least 30 days' notice in writing. The notice must state why the action is being considered, and all materials supporting those reasons must be made available for review.

The employee is entitled to a reasonable amount of official time to answer the notice in writing or in person - or both - to an official who has the authority to make a recommendation or final decision in the matter. This answer, including affidavits or other evidence submitted, must be considered before the adverse action is taken. The deciding official, who must be at a higher level than the one who proposed the adverse action, can recommend that the action be withdrawn or that the Agency proceed. If the decision is to proceed, the written notice of this action must state the action, its effective date, and which of the reasons given for the action have been sustained and which have not. It must also advise of appeal rights to the FEAA and the time limit for filing such an appeal.

An appellant to the FEAA is entitled to a hearing if appealing a removal, a suspension for more than 30 days, or a demotion; but a hearing is optional to the employee. The appellant may have the help of a representative -- a lawyer, a member of a labor union or veterans' organization, a co-worker, or anyone who is willing to serve. Appealing the action will not postpone the effective date, and the appellant is responsible if any expenses are involved in preparing the appeal.

In the conduct of a hearing, if one is requested, the appellant may request the presence of witnesses and may cross-examine those Agency witnesses who testify at the hearing. The Agency must make available, without loss of pay, those employees who are called to testify by the

official conducting the hearing. If a witness, whose presence is important to a fair hearing, cannot appear on the specified date, an affidavit may be obtained or the hearing may be suspended until the witness can appear. The appellant and any witnesses who testify will be protected from coercion or reprisal.

The hearing procedures are informal, but a verbatim record will be made and a copy provided to the appellant with the decision.

If a hearing is not requested, the FEAA will obtain the evidence the Agency relied on when bringing the adverse action and the appellant will be given another opportunity to review that evidence if he/she desires.

The FEAA will issue the decision, making findings and requiring corrective action by the Agency when it is found to be appropriate. This decision is final, except for cases which are subsequently reopened by the Appeals Review Board (ARB).

The basis for review by the ARB (which may be requested by the appellant or the Agency) are limited. It must be shown in writing that (1) there is new material evidence not available before, (2) the decision contains an erroneous interpretation of law or misapplication of established policy, or (3) new or unsettled policy questions are involved.

SUGGESTED PROGRAMS AND ACTIVITIES

You may want to sponsor several small programs and/or activities during the course of a year, or you may prefer to plan a day-long or several days program. Be sure to allow yourself plenty of "lead time" to get the activity approved and organized.

Speakers, panels, exhibits, workshops, seminars, training programs, and films might be used in a variety of combinations.

Some suggested topics for seminars, workshops, or training include:

1. Assertiveness Training
2. How to Prepare an Effective SF-171 (Federally Employed Women has developed a kit)
3. Career Development - Where Do We Go From Here?
4. Women in Management
5. How to Face a Job Interview
6. Effective Speaking
7. Leadership Training
8. Human Relations
9. Changing Traditional Patterns
10. How to Use Statistics (Federally Employed Women has developed a kit)

You might want to organize some noontime "rap sessions" to gather ideas from the women employees as to what kinds of programs and activities would be most meaningful and helpful.

SUGGESTED PROJECTS FOR PROBLEM IDENTIFICATION

One of the best tools for analyzing the progress and status of women in the work force is a good set of statistics. The USDA personnel/payroll system (MODE) contains a large data base from which to prepare reports and listings useful to Coordinators in carrying out their responsibilities. Many reports are now produced on a regular basis and distributed to Agency Central Personnel Offices and to field personnel offices as well. These reports include data by minority designation and sex on the number of accessions, separations, promotions, reassessments, and other activities showing occupations, grades, geographical locations, etc. Reports are also prepared on awards and training with similar breakouts.

Each Agency Central Personnel Office has a member on the Department-wide MODE Personnel Committee. This member can provide information from an on-line data base containing considerable data useful for analysis, or if the data is not available in this data base, the member can have special reports prepared by requesting them through the Office of Personnel. The Office of Personnel is the liaison with the National Finance Center on all personnel reports.

Coordinators should get acquainted with their respective MODE Committee members, and become familiar with all the statistics currently available and what can be produced for them.

Some analyses you might want to do might include:

1. Analyze the grades of the work force by race and sex.
 - a. What is the average grade by race and sex?
 - b. What is the median grade by race and sex?
 - c. Where is the cut-off point for women?
 - d. Determine the average and median educational levels by race and sex.
 - e. Determine the average and median length of service by race and sex.
2. Analyze occupational series held by employees by race and sex.
 - a. What positions are held exclusively by one sex?
 - b. What grade levels are these positions?

3. Analyze the participation of employees in training programs by race and sex.
 - a. Are women and minorities participating in relation to their presence in the work force?
 - b. Are the courses in which women and minorities participate preparing them for career advancement opportunities?
 - c. What is the average tuition cost per hour of training for men? For women?
 - d. What is the average length of training for men? For women?
4. Compare the average time-in-grade of men and women.
5. Analyze educational level of employees and compare to grade level.
 - a. Are college graduates filling clerical positions?
 - b. Compare the grade levels of men and women with similar educational levels.
 - c. For those with degrees, compare the relevancy of the academic discipline to the occupational series, by sex.

Bar graphs, line graphs, and charts of various kinds are interesting ways to illustrate the findings.

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FILMS AVAILABLE IN USDA ON WOMEN'S
ISSUES AND CONCERNS AND EEO

1. "ASSERTIVE TRAINING FOR WOMEN: A STIMULUS FILM"

20 minutes - color.

Available: APHIS, SCS

This film shows a series of situations in which a woman may be bossed or "brow-beaten" if she is not assertive. This film must be shown by someone capable of leading a discussion (using the guidebook for the film).

2. "A TIME FOR BURNING"

58 minutes - black and white, released 1969

Available: OP

A documentary film which closely examines interpersonal relationships as they develop between the minister of a White, mid-Western church and his congregation as he attempts to initiate interaction between the members of his church and a predominantly Black church of the same faith.

3. "BEYOND BLACK AND WHITE"

32 minutes - color

Available: ASCS

The origins of prejudice against minorities and women are clarified for front line supervisors and other levels of management.

4. "BIAS - A FOUR-LETTER WORD"

25 minutes - color

Available: SCS

This film exposes many of society's irrational self-imposed limitations, such as: (1) self-prejudice, (2) snap judgments of people and/or tendencies to stereotype others' appearance or positions, (3) male versus female or vice versa, young versus old or vice versa, (4) kinds of people or groups we find it difficult to deal with.

5. "BLACK AND WHITE, UPTIGHT"

35 minutes - color

Available: AMS, APHIS, ARS, EMSC, FAS, FNS, OP, REA, OA

This film, narrated by actor Robert Culp, explores the myths that perpetuate prejudice against Black people in our society and the subtle ways that hate is learned. Basic issues of injustice, existing social and economic differences between Blacks and Whites, a wide range of Black problems are examined.

6. "BLACK HISTORY: LOST, STOLEN, OR STRAYED?"

54 minutes - color

Available: FCIC, OP

A documentary film narrated by Bill Cosby, presenting the contribution which Black people have made to American arts, letters and sciences.

7. "BROTHERHOOD OF MAN"

12 minutes - color

Available: AMS, APHIS, ARS, EMSC, FAS, FNS, FCIC, OP, REA, OA

A cartoon film which deals with the need for individuals living together. It shows the similarities of mankind as well as corrects false notions or prejudices individuals may have.

8. "CYCLE TO NOWHERE"

54 minutes - color

Available: AMS, APHIS, ASCS, FCIC, FNS, OP, REA

This film was produced for the U.S. Commission on Civil Rights and is based on a civil rights hearing held in Montgomery, Alabama, during the spring of 1968. The purpose of the hearing was to collect information concerning equal economic opportunity for Blacks in rural and nonmetropolitan areas of Alabama.

9. "EYE OF THE STORM"

25 minutes - color

Available: ASCS

The effects of prejudice are made clear as cameras record a unique, two-day experiment conducted by a third grade teacher in the Midwest. The teacher separated the children into "superior" and "inferior" groups based solely on eye color. The next day the roles were reversed.

10. "51%"

30 minutes - color

Available: AMS, APHIS, ARS, ASCS, EMSC, FAS, FCIC, FmHA, FNS, FS, OP, REA, SCS, OA

This film is about three women -- Sally a secretary, Charlotte, a professional, and Anne, a manager. Through their experiences the prevailing opinions and attitudes that exist in many organizations regarding working women are exposed.

11. "GAMES"

30 minutes - color

Available: AMS, APHIS

This film deals with "open-arms" prejudice: getting around EEO. It depicts people being hired by employers who do not really want them, and then finding some way to get them fired. It encourages employers to put a stop to this and to use the resources of all employees.

12. "IS IT ALWAYS RIGHT TO BE RIGHT?"

15 minutes - color

Available: OA

The film is a presentation on the generalization about polarization. It shows two groups who always consider themselves right and their interaction and/or lack of it. Good for presentations on communications and EEO.

13. "LISTEN, PLEASE!"

10 minutes - black and white

Available: APHIS

Top management has recognized that first- and second-line supervisors constitute the principal channels of communication in the office. Therefore, listening has come to be regarded as a primary function of supervision.

This film firmly reminds supervisors that listening is a prime necessity of the job.

14. "MOST HATED MAN IN NEW MEXICO"

28 minutes - color

Available: APHIS

Reis Tijerina, originally a migrant farm worker and itinerant preacher, has become a spokesman for the Southwest poor, particularly the people of Rio Arriba country in northern New Mexico. This area is a rural ghetto and cultural backwater.

15. "ONE BY ONE"

28 minutes - color

Available: APHIS

This is a dramatic documentary about a middle manager and a minority employee on his staff. The film explores emotional prejudice and helps managers recognize and deal with negative feelings.

It focuses on the dangers of grouping people...of oversensitivity...of racial backlash...and of special treatment of minorities.

16. "REMEMBER MY NAME"

18 minutes - color

Available: AMS

This is a training film on job advancement and upward mobility. it portrays government workers expressing their own views and attitudes on upward mobility.

17. "SUPERVISOR AND THE BLACK WORKER"

8 minutes - color

Available: FNS

This is a follow-up to "The Way Out" and deals with the hard core unemployed and how to develop self discipline in these employees.

18. "THE EMERGING WOMAN"

40 minutes - black and white

Available: OP (EEO Staff)

The film is a carefully researched documentary film about the history of women in the United States. It opens with a commentary on woman's inferior position in the 1800's and follows the women's movement down to the date of its release, which was April 1974.

19. "THE EYE OF THE BEHOLDER"

25 minutes - black and white

Available: APHIS

This is a film about how we judge people and some of the possible errors in our judgments. This film dramatizes the story of 12 hours in the life of an artist and makes the point that one can easily be misled.

20. "THE FORGOTTEN AMERICAN"

25 minutes - color

Available: AMS, APHIS, ARS, ASCS, EMSC, FAS, FCIC, FNS, OP, REA, OA

This is a documentary film about the American Indian and how he has become an alien in his native land. It shows the physical and psychological aspects of the Indians' impoverishment--minimal food and housing, inadequate educational facilities, limited employment opportunity, and his hopelessness and despair. It also illustrates the Indians' loss of identity and self-respect.

21. "THE MEXICAN-AMERICAN SPEAKS: HERITAGE IN BRONZE"

20 minutes - color

Available: AMS, APHIS

This film examines the heritage and culture of the Mexican-American. It dramatizes their suppression from the time of the Spanish conquerors to the present. It shows how improvement in the acceptance and equality of the Mexican-American has expanded and some of the means by which this was achieved.

22. "THE PREJUDICE FILM"

28 1/2 minutes - color

Available: APHIS, OP, OA

The historical origins and contemporary forms of prejudice are examined. Emphasis is on the individual's role in contributing to or helping to eradicate the attitudes which result in discrimination and other injustices. Patterns of racial, ethnic, religious prejudice (as well as that against other minorities or groups of people) are explored logically without prejudice.

23. "THE SUPERVISOR AND EEO"

37 minutes - color

Available: AMS, APHIS, ASCS, OP, OA

This film was produced with technical assistance from CSC. Through a conference discussion method, it illustrates a variety of attitudes toward EEO. It explores the role of the supervisor in a positive EEO program and suggests practical steps to insure equal opportunity for all employees.

24. "TRANSACTIONAL ANALYSIS"

30 minutes - color

Available: APHIS

This film gives examples of various detrimental office conflicts which cut productivity. It then tells why these conflicts (or games) are taking place, and how to cope with them. A recent book by Harris, "I'm OK, You're OK," is very similar in its text on T.A.

25. "THE WAY OUT"

37 minutes - color

Available: AMS, APHIS, ARS, EMSC, FAS, FCIC, OP, REA

This film takes a close look at the backgrounds and present urban environments of four ethnic groups found among the disadvantaged and minority population -- American Indian, White Appalachia, Spanish American, and Blacks. It focuses on individuals from these groups who speak about the factors which keep them in conditions of unemployment and poverty, their previous work experiences, and the qualities they feel a good supervisor should possess.

26. "TWELVE LIKE YOU"

25 minutes - color

Available: OP (EEO Staff), SCS

This film covers 12 case studies with a candid discussion by women about career opportunities for women. It asks each woman to analyze and appraise her own assets, liabilities, and potential. It helps her find the answers to some crucial questions affecting her career.

27. "VOICE OF LA RAZA"

54 minutes - color

Available: AMS, APHIS, ARS, ASCS, EMSC, FAS, FCIC, FNS, OP, REA, OA

This film, which was produced for the Equal Employment Opportunity Commission, deals with the problems in job discrimination faced by Spanish-surnamed Americans. It also embraces social and cultural issues--the anger, the self-searching, and the pride of today's Spanish-speaking population. Through the eyes and ears of actor Anthony Quinn you are shown the effects of prejudice and job discrimination on the people of the barrios and hear their cry for justice and jobs.

28. "WE ARE WOMAN"

33 minutes - color

Available: APHIS, ASCS, FmHA, SCS

This film provides front line supervisors and all other levels of management with an understanding of the historical, sociological and psychological background of today's working woman. Vignettes present the most frequently occurring problems involving management and women.

29. "WHAT'S THE MATTER WITH ALICE?"

25 minutes - color

Available: AMS, FS

Film is designed to stimulate thinking by managers and executives about career advancement, upward mobility, and equal opportunity for women and minorities.

30. "WHERE'S PREJUDICE?"

59 minutes - black and white

Available: OP

A documentary film recording emotional strains among a group of young people representing a variety of faiths, ethnic groups, and ideals as they discuss the meaning of discrimination and prejudice.

31. "WOMEN: UP THE CAREER LADDER"

30 minutes - black and white

Available: APHIS

This film is presented in a discussion group type format. Many of the problems of working women are brought up, but they are not really explored and no resolutions are offered. Six key issues are listed at the end of the film for discussion by the viewers. They are: Competitiveness, Expectations, Motivation, Self-Concept, Business-Social Situations, Risk-Taking.

32. "YOU PACK YOUR OWN CHUTE"

30 minutes - color

Available: FS

Motivational film to inspire women to achievements never tried before. Also addresses the aspect of coping with the element of risk in a new venture.

reach all segments of our society, fair selection procedures, and effective programs of upward mobility so that all employees have the opportunity to gain skills to enable them to compete for higher level positions. Such actions are under way in the Federal Government. They must be continued and expanded.

Although the Federal Government has employed large numbers of minorities and women, vigorous efforts to assure equal employment opportunity must continue, particularly in those geographical areas and agencies and installations where more progress is needed. There are program areas where special emphasis is needed. There is reason to believe, for example, that the skills of the Spanish-speaking as a group have not yet been fully tapped. Also, a much wider range of employment opportunities for women can be opened. We cannot and must not permit persons to be locked into jobs not commensurate with their potential. I am looking to you and to every manager in the Federal Government to assure that employees, without regard to their race, national origin or sex, have an opportunity for advancement in accordance with individual abilities.

Moreover, men and women of all racial and ethnic backgrounds must be assured a fair opportunity to serve in positions where they can make a maximum contribution and participate in the decision-making process.

Equal employment opportunity doesn't just happen; it comes about because managers make it happen. I want equal opportunity to be reflected in every aspect of Federal employment. I have called on Chairman Hampton of the Civil Service Commission to keep me fully informed on an annual basis of the progress each Federal department and agency is making in this regard. Increased accountability on the part of Federal managers will help to promptly identify deficiencies and strengthen our EEO program at all levels.

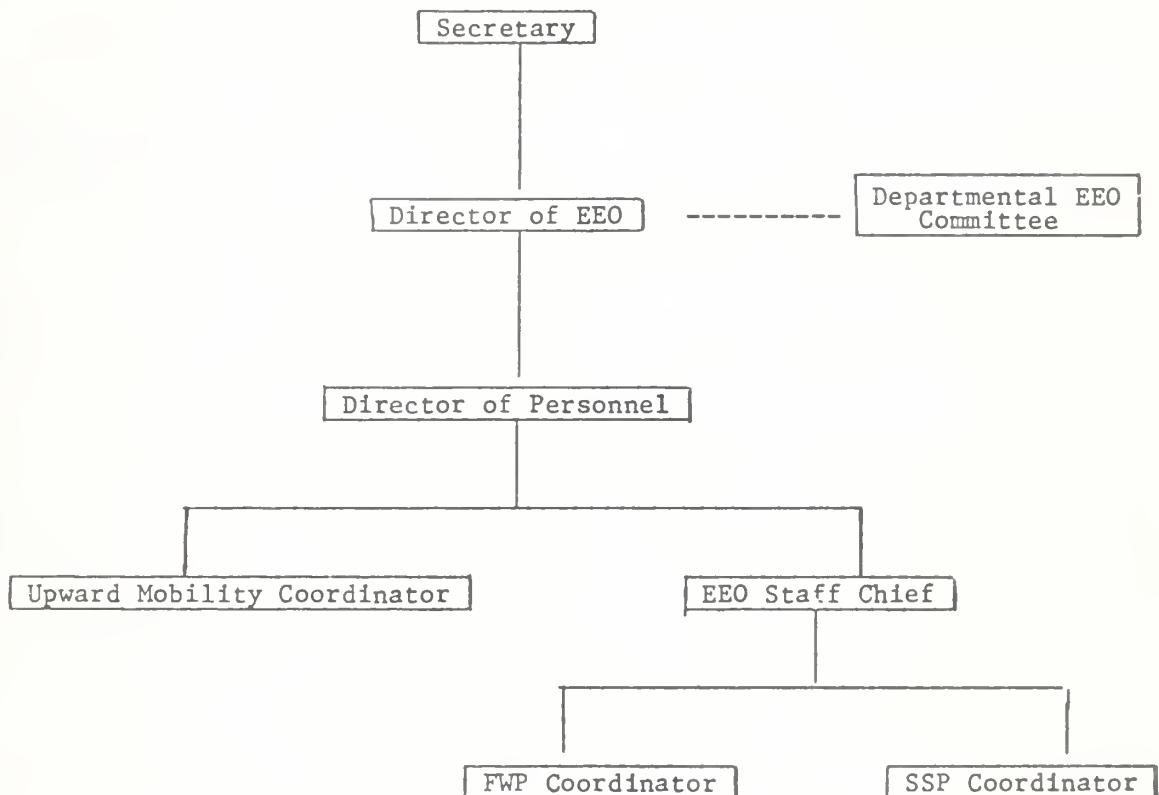
Just as we will not condone preferences in employment decisions because of a person's race, ethnic origin or sex, we will not tolerate failure to

vigorously carry out affirmative actions in support of equal employment opportunity. I am asking for your personal commitment and active cooperation in assuring that the American ideal of true equal employment opportunity is a reality in the Federal Government.

Please make my views known to all employees and managers in your organization. Their understanding of my objective is essential. Their support is required.

A handwritten signature in black ink that reads "Gerald R. Ford". The signature is fluid and cursive, with "Gerald" on the top line and "R. Ford" on the bottom line.

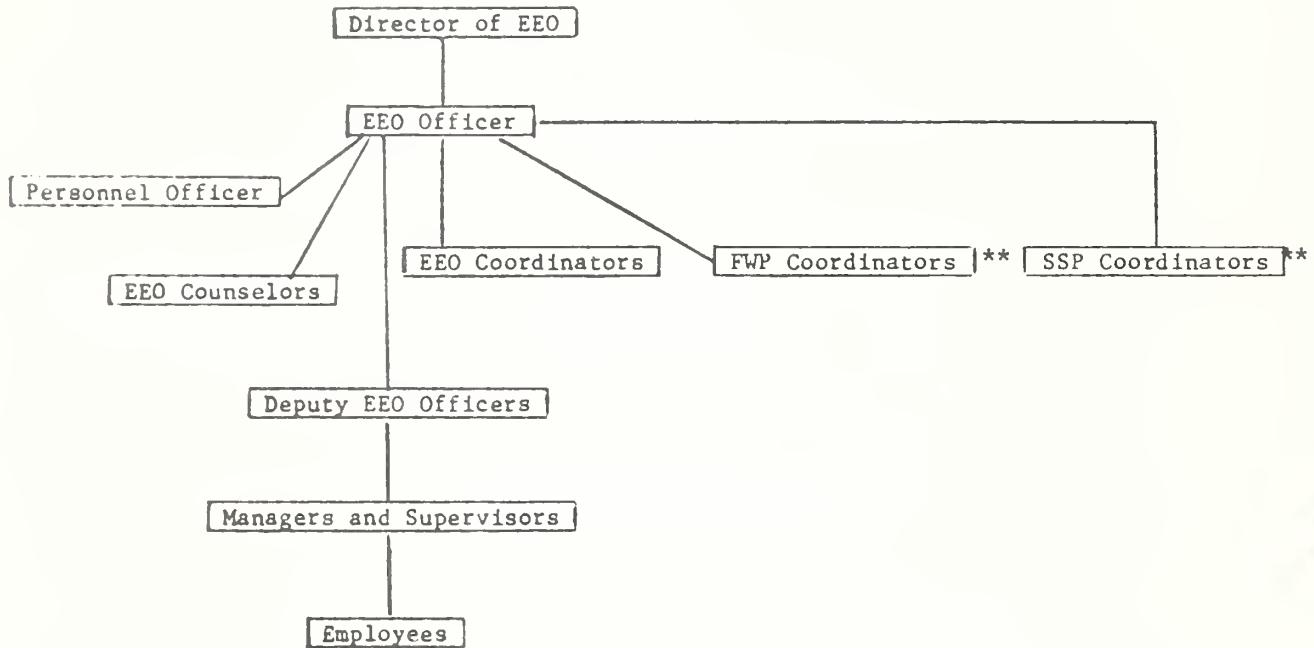
EEO ORGANIZATION CHART

DEPARTMENT LEVEL

____ Direct Reporting Line

----- Advisory Relationship

EEO ORGANIZATION CHART

AGENCY LEVEL

** In APHIS and FS, the Federal Women's Program Coordinator and the Spanish Speaking Program Coordinator report to the EEO Coordinator.

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MAILING ADDRESSES

ALBUQUERQUE-SANTA FE

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RESOURCES AND MATERIALS

I. Executive Orders and Regulations

A. For Information and Historical Background

1. Executive Order No. 11246, September 24, 1965
2. Executive Order No. 11375, October 13, 1967
3. Executive Order No. 11478, August 8, 1969

B. Current Regulations

1. FPM and DPM Chapters 713
2. Public Law 92-261, March 24, 1972, "Non-Discrimination in Federal Employment"
3. FPM Supplement 990-1, Part 713, Equal Opportunity
4. FPM Letter No. 713-17, November 3, 1972, Revisions in Equal Opportunity Regulations (Part 713) with Attachment 1
5. DPM Letter No. 713-10, November 21, 1972, Revisions in Equal Opportunity Regulations
6. DPM Letter No. 713-15, December 13, 1973, The Federal Women's Program
7. FPM Letter No. 713-25, May 15, 1974, Interim Instructions to Carry Out the Policy of Nondiscrimination Based on Age in Public Law 93-259
8. DPM Letter No. 713-18, June 4, 1974, Policy of Nondiscrimination Based on Age and the Handling of Complaints

II. Booklets and Brochures

- A. Guidelines for Federal Women's Program Coordinators (CSC Personnel Management Series No. 25)
- B. The Federal Women's Program - A Point of View (CSC pamphlet)
- C. Fed Facts Series
 1. Fed Facts 5 -- Federal Merit Promotion Policy

2. Fed Facts 9 -- Leave for Maternity Reasons
3. Fed Facts 10 -- How the Discrimination Complaints System Works
4. Fed Facts 11 -- Employee Appeals from Adverse Action

D. Women in Action in USDA (Issued February 1976)

III. Periodicals

- A. Women in Action, CSC bi-monthly newsletter
- B. EEO Spotlight, CSC monthly newsletter

IV. Women's Organizations

- A. Federally Employed Women (FEW)
- B. Women's Action Taskforce (WAT - USDA Headquarters)
- C. Women's Equity Action League (WEAL)
- D. Business and Professional Women's Clubs (BPW)
- E. National Organization for Women (NOW)

U.S. CIVIL SERVICE COMMISSION
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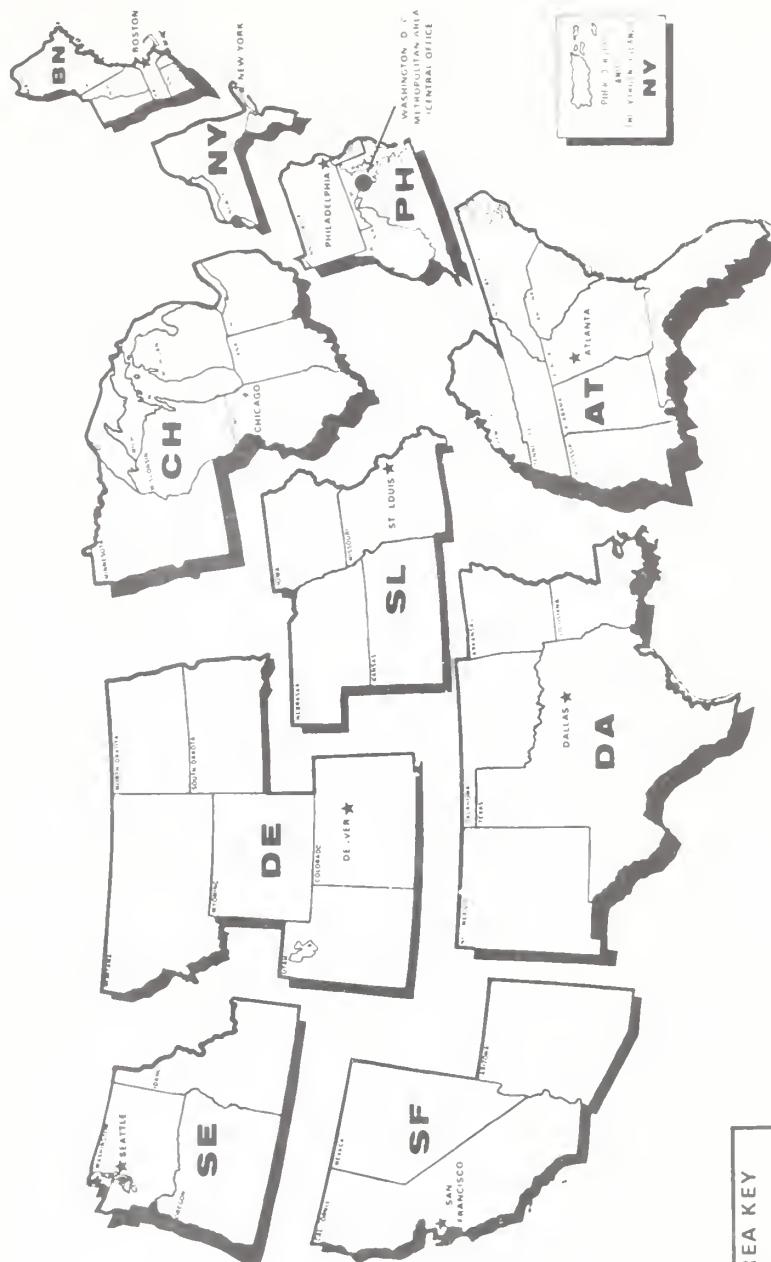
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1/ See attached geographical coverage for each CSC Region.



REGIONAL AREA KEY	
AT	ATLANTA
BN	BOSTON
CH	CHICAGO
DA	DALLAS
DE	DENVER
NY	NEW YORK
PH	PHILADELPHIA
SE	SEATTLE
SF	SAN FRANCISCO
SL	ST. LOUIS

